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MUNICIPAL CODE COVER SHEET
LEGISLATION INFORMATION AND HISTORY

CITY OF LAKESITE

Type of enactment (ordinance, resolution, bylaw, local law):

Ordinance No. 239
Obstruction of Drainage Ditches

Title No.	Title 16
Amends Chapter No.	Chapter 1, Section 16-106
Repeals Chapter No.	
Adds Chapter No.	

Action	Date
Introduction and 1 st Reading	October 20, 2015
Planning Review (if applicable)	N/A
Publication Date of Notice	Nov. 6, 2015
Date of 2nd Reading	Nov. 17, 2015
Public Hearing Date(s)	Nov. 17, 2015
Adoption by Commission	Nov. 17, 2015

Date copy sent to MTAS for codification: November 18, 2015

Office Use Only: This form is being retained as a record in the City Recorder's/City Clerk's files of the legislation information and history of enactment.

ORDINANCE NO. 239

**AN ORDINANCE OF THE CITY OF LAKESITE, TENNESSEE ADDRESSING
RESPONSIBILITIES OF PROPERTY OWNERS TO MAINTAIN EXISTING CULVERT
AND DRAINAGE DITCHES**

**TITLE 16 – STREETS AND SIDEWALKS, ETC.
CHAPTER 1 – MISCELLANEOUS
SECTION 16-106 – Obstruction of Drainage Ditches**

Note: Words in **bold** are to be added to the ordinance. Words with a ~~strike through~~ are to be deleted.

Whereas, the City of Lakesite has installed or caused to install through the subdivisions and building process a culvert and drainage ditch within the street frontage of private property for the purpose of dispersing overland storm water drainage, and

Whereas, from time to time said culvert and/or drainage ditch requires maintenance to restore proper drainage, and

Whereas, the City Engineer and/or Maintenance and Utilities Department has determined that maintenance must be performed to bring the drainage capability of said culvert and/or drainage ditch in-line with its former standard upon original construction, and

Whereas, occasionally, homeowners contribute to the obstruction of culverts and/or drainage by allowing litter and yard debris to wash into culverts and/or drainage ditches fronting their property, allowing blockages to back up in the culvert and/or drainage ditch which may eventually lead to overflows, which create traffic safety hazards, cause damage to roadways, and damage to other personal property, and

Whereas, on October 21, 2003 at a regularly scheduled Lakesite City Commission meeting, the City Commissioners voted unanimously to adopt a culvert maintenance policy to require homeowners to assume responsibility for the maintenance of culverts and/or drainage ditches that allow access to their properties.

Whereas, the City Commission has determined to codify the culvert maintenance policy by ordinance.

Now, therefore be it **BE IT ORDAINED BY THE CITY OF LAKESITE, TENNESSEE** as follows:

Section 1. 16-106.

(a) Obstruction of drainage ditches. It shall be unlawful for any person to permit or cause the obstruction of any drainage ditch in any public right of way.

(b) Property owners to maintain adjacent ditches. Property owners are required to keep culverts and/or drainage ditches adjacent to their property sufficiently clear to allow the free flow of water.

(c) In the event a property owner fails to maintain the culvert and/or drainage ditch as required in subsection (b):

- 1. The City Engineer and/or Maintenance and Utilities Department shall notify the property owner that the culvert and/or drainage ditch adjacent to the subject property is in need of specific maintenance.**
- 2. Specific maintenance will be defined in writing to the property owner.**
- 3. Property owner shall have thirty (30) days to comply with the required maintenance unless upon request to the City of Lakesite, with good cause shown that the thirty (30) day period creates an undue hardship.**
- 4. The City of Lakesite may grant an extension of an additional thirty (30) days in writing.**
- 5. The property owner shall present additional requests for extension to the City Commissioners.**
- 6. The City Commissioners with the advice of the City Engineer and/or the Maintenance and Utilities Department shall make a determination to grant or deny additional time.**
- 7. Failure of property owner to perform maintenance of the said culvert and/or drainage ditch within the allotted time or extended time period shall subject the property owner to the following:**
 - a. The City of Lakesite shall cause appropriate maintenance to be implemented by a private contractor with work to be performed in compliance with the City Engineer or Maintenance and Utilities Department directive.**
 - b. The City shall bill the property owner via Certified Mail, the contractor cost of performing said maintenance with payment to the City within thirty (30) days of certified mailing. Failure to pay said billing or failure to work out a pay plan to the satisfaction of the City shall cause the City to file a lien against the subject property.**

Section 2. This Ordinance shall take effect fifteen (15) days after the date of its final passage, the public welfare of the citizens of Lakesite requiring it.

APPROVED AS TO FORM:

/s/ Sam D. Elliott
City Attorney

/s/ Kenneth Wilkerson
Mayor

October 20, 2015
Passed on First Reading

/s/ Jodi P. LaCroix, CMC
City Recorder

November 17, 2015
Passed on Second Reading